# THE BOMBAY GAS SUPPLY ACT, 1939.

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# BOMBAY ACT No. IX OF 1939.

[THE BOMBAY GAS SUPPLY ACT, 1939.]

[*17th May 1939.*]

Amended by Bom. 13 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

**An Act to provide for the regulation of [2][the supply of gas including the prices therefor] in the Province of Bombay.**

WHEREAS it is expedient to provide for the regulation of [2][the supply of gas including the prices therefor] in the Province of Bombay and for certain other matters; It is hereby enacted as follows :—

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Bombay Gas Supply Act, 1939.

(*2*) It shall extend to the whole of the [3][State] of Bombay.

(*3*) It shall come into force on such date as the [4][State] Government may by notification in the *Official Gazette* appoint.

Definitions.

**2.** In this Act unless there is anything repugnant in the subject or context,—

(*1*) " company " means the Bombay Gas Company, Limited, governed by the Gas Companies Act, 1863, or any other person to whom the provisions of this Act may, for the time being, be extended under section 10 and includes the successors and assigns of such company or person ;

Bom. V of 1863.

(*2*) " consumer " means any person who is supplied with gas by the company ;

(*3*) " prescribed " means prescribed by rules made under this Act ;

[5][(*4*) " Inspector " means the Gas Inspector appointed by the State Government under section 70 ;

[5](*5*) " calorific value " means the number of British thermal units (gross) produced by the combustion of one cubic foot of gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and, except as may be otherwise directed by the State Government in relation to gas supplied by any particular company or class of companies specified in the direction, saturated with water vapour.]

Company to prepare and render accounts annually.

**3.** (*1*) The company shall prepare and render to the [4][State] Government or to such officer as the [4][State] Government may appoint in this behalf, on or before the prescribed date in each year, a statement of accounts of its undertaking for such period, made up to such date, in such form and containing such particulars, as may be prescribed in this behalf.

(*2*) The company shall keep copies of such statement of accounts at its office and sell the same to any applicant at a price not exceeding that which may be prescribed.

Audit of accounts.

**4.** (*1*) The [4][State] Government may direct that the statement of accounts of the undertaking shall, before being rendered under section 3, be examined and audited by such person as the [4][State] Government may appoint or approve in this behalf.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1939, Part V, p. 165, *or* Bombay Legislative Assembly Debates, 1939, Vol. 5, p. 3688, or Bombay Legislative Council Debates, 1939, Vol. 6, p. 780. For Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 3193-3201 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 6, pp. 626-631.

[2] These words were substituted for the original words by Bom. 13 of 1950, s. 2.

[3] This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

[4] This word was substituted for the word " Provincial ", *ibid.*

[5] These clauses were inserted by Bom. 13 of 1950, s. 3.

(*2*) The remuneration of the auditor shall be such as the [1][State] Government may direct and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the [1][State] Government shall approve, shall be paid by the company on demand.

(*3*) The company shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.

(*4*) The audit shall be made and conducted in such manner as the [1][State] Government may direct.

(*5*) If the company fails to pay the amount of the auditor's remuneration and the expenses incurred by him within the time fixed by the [1][State] Government in this behalf, the same may be recovered from it as an arrear of land revenue.

Advisory Committee.

**5.** (*1*) The [1][State] Government may by notification in the *Official Gazette* constitute an Advisory Committee.

(*2*) The Advisory Committee shall consist of a Chairman and not less than two other members.

(*3*) The [1][State] Government may by general or special order,—

(*i*) define the powers, and duties and regulate the procedure of the committee,

(*ii*) determine the tenure of office of the members of the committee, and

(*iii*) give directions as to the payment of fees to, and the travelling expenses incurred by, any of the members of the committee in the execution of his duty.

Rules to prescribe limits of prices.

**6.** The [1][State] Government may, from time to time in accordance with the recommendations of the Advisory Committee, make rules prescribing the limits of prices which the company may charge for the supply of gas to any consumer or class of consumers, in the whole of the [2][State] or in any specified area.

Price in excess of limit not to be charged or recovered.

**7.** Notwithstanding any contract or law, the company shall not, at any time, charge or recover from any consumer price for supply of gas to him in excess of the limit prescribed in this behalf by rules made under section 6.

Pressure etc. at which gas to be supplied.

[3][**7A.** The gas supplied by the company to the consumers shall, except for any cause beyond its control, be of such standard of calorific value, pressure and purity, such standard being subject to such allowance, as may be specified by the State Government in this behalf by notification in the *Official Gazette*. The standards so specified may vary from time to time and may be different for different localities or areas.

Facilities for inspection and testing.

[3][**7B.** The company shall at all times afford all facilities to the Inspector or his assistants authorised by him in writing in this behalf to inspect and test any of its works for the purpose of determining the calorific value, pressure or purity of the gas supplied to the consumers.

*Explanation.*—In this section "works" includes any buildings, machinery or apparatus required to supply gas.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Province", *ibid.*
[3] Sections 7A to 7P were inserted by Bom. 13 of 1950, s. 4.

[1]**7C.** The company shall keep and maintain in good working order such measuring and recording instruments and equipments as the Inspector may require for the correct determination of the calorific value, pressure and purity of gas supplied to the consumers and for testing the accuracy of the meters. Such instruments and equipments shall at all times be open for inspection and testing by the Inspector or any of his assistants. Company to maintain equipments.

[1]**7D.** (*1*) A consumer may make a complaint in writing to the company that the gas supplied to him is below the standard of the specified calorific value or pressure or purity and the company shall, within forty-eight hours of the receipt of such complaint, test the calorific value or pressure or purity of the gas supplied in the presence of the consumer or his representative if the consumer so desires, and if the gas supplied is found below such standard taking into consideration the allowance specified shall restore the calorific value, pressure or purity, as the case may be, to its standard within forty-eight hours of such testing or within such longer period as the Inspector may allow. Complaint for failure to supply gas at normal pressure etc.

(*2*) Where on such testing the standard in regard to which the complaint was made is found to be correct, the company shall be entitled to recover from the consumer a testing charge not exceeding such amount as may be prescribed.

[1]**7E.** No consumer shall at any time make additions to his installation without the knowledge and consent of the company. Consent of company required for additions to installation by consumers.

[1]**7F.** The company shall provide and maintain a correct meter for every consumer for measuring the gas supplied to him. Company to supply meters.

[1]**7G.** The company shall not grant new connection to any person for the supply of gas, except in accordance with the rules made by the State Government in this behalf. New connections to be in accordance with rules.

[1]**7H.** (*1*) A consumer may make a complaint in writing to the company that the meter supplied to him is not correct, and the company shall, within forty-eight hours of the receipt of such complaint, test the meter in the presence of the consumer or his representative if the consumer so desires and if the meter is found to be otherwise than correct, shall replace it by correct meter within the next forty-eight hours or such longer time as may be allowed by the Inspector. Complaint for incorrect meter.

(*2*) Where on such testing the meter is found to be correct, the consumer shall, if demanded by the company in writing, be liable to pay to the company a testing charge not exceeding such amount as may be prescribed.

*Explanation.*—For the purposes of this section, a meter shall be deemed to be correct if it does not register measurement of gas more than 3 per cent. above or below the correct measurement.

[1] Sections 7A to 7P were inserted by Bom. 13 of 1950, s. 4.

Disputes to be referred to Inspector.

[1]**7-I.** (*1*) Where any dispute arises between a consumer and the company as to the quantity of gas consumed, amount of any charges levied by the company for the supply of gas, testing of calorific value, pressure or purity or testing of meter, the matter may by application be referred by either party to the Inspector and decided by him after holding such inquiry as he deems necessary.

(*2*) Such application shall be in writing and shall be in such form and accompanied by such fees as may be prescribed.

Recovery of charges and rents due to company.

[1]**7J.** (*1*) Where a consumer neglects to pay any charge due from him to the company for the supply of gas, or the testing of meter or the calorific value, pressure or purity of gas or any rent due for any meter or fitting let for hire by the company, the company may after giving not less than seven clear days' notice in writing and without prejudice to its right to recover such charge or rent by suit, stop the gas from entering the premises of such consumer by cutting off the service-pipes or by such means as the company shall think fit.

(*2*) When the company stops the gas from entering the premises of any consumer under sub-section (*1*), the company, their agents or workmen after giving twenty-four hours' previous notice to the occupiers, may enter into such premises between the hours of nine in the forenoon and four in the afternoon, and recover and carry away any pipe, meter, fittings or other works, being the property of the company.

(*3*) When any dispute has been referred under this Act to the Inspector, the company shall not exercise the powers conferred by this section until the Inspector has given his decision or until the expiry of one month from the date on which the dispute was referred to the Inspector, whichever is earlier.

(*4*) When the supply of gas has been stopped by the company under this section, the company shall not be bound to restore the supply of gas, until the consumer has paid to the company such reconnection charges, if any, as may be prescribed.

Fees for service of Inspector.

[1]**7K.** (*1*) For the services of the Inspector under any of the provisions of this Act, the State Government may prescribe fees and may by general or special order provide for remission of any fee or any portion thereof.

(*2*) Such fees shall be paid to the Inspector by such party as the Inspector may decide.

(*3*) The fees paid under sub-section (*2*) shall be credited to the State Government.

Failure to pay Inspector's fees by consumer.

[1]**7L.** Where a consumer fails to pay any prescribed fee as directed by the Inspector within seven days from the date of demand of such fees by the Inspector in writing, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same :

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such re-connection charges as may be prescribed.

List of consumers.

[1]**7M.** The Inspector may at any time require the company to submit to him a list of persons supplied with gas by the company and the company shall comply with such requisition and supply such other information as the Inspector may require.

[1] Sections 7A to 7P were inserted by Bom. 13 of 1950, s. 4.

Directions by Inspector to consumers.

[1]**7N.** (*1*) The Inspector may direct any consumer to discontinue the use of any part of the installation or any apparatus, which in the opinion of the Inspector, is causing, or is likely to cause, waste of gas or overloading of the meter provided on the consumer's premises and such consumer shall comply with the Inspector's direction in this behalf.

(*2*) Where a consumer fails to comply with any direction given by the Inspector under sub-section (*1*), without prejudice to any other penalty to which the consumer may be liable, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same :

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such reconnection charges as may be prescribed.

Appointment of Inspector.

[1]**7-O.** The State Government may by notification in the *Official Gazette* appoint a duly qualified person to be a Gas Inspector and the Gas Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act, subject to such restrictions as the State Government may direct. The qualifications required for appointment as the Inspector shall be such as may be prescribed.

Appeal against decision of Inspector.

[1]**7P.** (*1*) An appeal shall lie from the decision of the Inspector under this Act to the State Government or such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*2*) Every such appeal shall be made within 30 days from the date of the decision of the Inspector.]

Penalty for contravention by company.

[2][**8.** If the company, without reasonable excuse, the burden of proving which shall lie on the company, contravenes any of the provisions of this Act, it shall, on conviction, be punished with fine which may extend to Rs. 1,000 and, in the case of a continuing contravention, with an additional fine which may extend to Rs. 50 for every day during which such contravention continues after conviction for the first such contravention.]

The principal officer to be liable for default made by the Company.

**9.** Where anything is required to be done by the company by or under any provision of this Act, the principal officer of the company shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

*Explanation.*—For the purposes of this section the principal officer of the company shall mean the director, secretary, treasurer, manager or agent of the company.

Penalty for contravention by consumer.

[3][**9A.** If a consumer, without reasonable excuse, the burden of proving which shall lie on the consumer, fails to comply with any direction given to him by the Inspector under any of the provisions of this Act, he shall, on conviction, be punished with a fine which may extend to Rs. 100 and, in the case of a continuing failure, with an additional fine which may extend to Rs. 10 for every day during which such failure continues after conviction for the first such failure.

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[1] Sections 7A to 7P were inserted by Bom. 13 of 1950, s. 4.
[2] This section was substituted for the original, *ibid*, s. 5.
[3] Sections 9A, 9B and 9C were inserted, *ibid*, s. 6.

Inspector to be public servant.

**9B.** The Inspector appointed by the State Government under section 7-O shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Indemnity from suits and proceedings.

**9C.** No suit, prosecution or other proceedings shall be instituted against the Inspector or any of his assistants for anything in good faith done or purporting to be done under this Act.]

Extension of the Act to persons manufacturing or supplying gas.

**10.** The [1][State] Government may, by notification in the *Official Gazette*, extend the provisions of this Act to any person who manufactures or supplies gas in any area within the [2][State] of Bombay.

Rules.

**11.** (*1*) The [1][State] Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters :—

(*a*) the date on or before which the statement of accounts of its undertaking shall by rendered by the company to the [2][State] Government under sub-section (*1*) of section 3 ; the date up to which such statement shall be made and the particulars which it shall contain ; and

(*b*) the maximum price at which copies of statement of accounts shall be sold, under sub-section (*2*) of section 3.

[3][(*c*) the generation, transmission, supply and use of gas ;

(*d*) the maximum amount of the testing charge to be paid to the company under sub-section (*2*) of section 7D or of section 7H ;

(*e*) the manner of granting new connections under section 7G ;

(*f*) the form of application and the fees to be paid with the application under section 7-I ;

(*g*) the fees to be paid for the services of the Inspector under section 7K ;

(*h*) the reconnection charges to be paid to the company under sections 7J, 7L and 7N ;

(*i*) the installation, fixing of meters or fittings and their inspection and maintenance ;

(*j*) the inspection of measuring and recording instruments ;

(*k*) any other matter which is to be or may be prescribed.

(*3*) The power to make rules under this Act shall be subject to the condition of previous publication.]

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word " Province ", *ibid.*
[3] These clauses and sub-section (*3*) were inserted by Bom. 13 of 1950, s. 7.